

### **REMARKS/ARGUMENTS**

The July 12, 2004 Office Action rejects claims 1 – 5 and 16 – 17 under 35 U.S.C. § 112, second paragraph as being indefinite. The Office Action characterizes claims 1 – 5 and 16 – 17 as being incomplete for omitting essential elements and suggests the addition of method steps, such as described in claim 8.

Applicant first wishes to clarify that claims 1 – 5 and 16 – 17 are drawn to compositions. Applicant has used the word “preparation” in its dictionary meaning of “something that is prepared . . .” (Merriam Websters Collegiate Dictionary, 10<sup>th</sup> Edition) and do not mean for these claims to encompass a method of preparing endogenous Ah receptor ligand. On October 25, 2004, Applicant’s attorney, Jean C. Baker, had a phone conference with Examiner Golam Shameem. Applicant’s attorney and Applicant thank Examiner Shameem for the courtesy of his time and for his helpful suggestions. After talking to Examiner Shameem, Applicant’s attorney understood Examiner Shameem to read “a preparation of . . . ligand” to mean that Applicant was intending to claim a method. Applicant understands that the word preparation may have a verb usage and regrets this misunderstanding.

Applicant points to the specification, where the word “preparation” is used numerous times in a manner that obviously suggests that Applicant means this group of claims to be drawn to a composition. For example, at paragraph 13 of the application, Applicant notes that “the preparation is stable to boiling . . . .” In the same paragraph Applicant notes that “the preparation is preferably at least 60% pure . . . .” In paragraph 31 Applicant notes that “a successful preparation may be obtained . . . .”

For example, at paragraph 50 when Applicant notes that “we envision that an AhR ligand preparation will be useful in treatment of pulmonary disorders . . .” it is apparent that Applicant means that the ligand as a composition will be useful in treatment. It would make no sense that the method of preparation be used as a treatment.

Applicant has amended claim 1 to further emphasize the nature of the claim. Applicant has amended claim 1 to “a therapeutic compound comprising a preparation of . . . .” Note that claim 2 was similarly amended in a previous response. Applicant finds support for this amendment throughout the application but directs the Examiner specifically to paragraph 41.

Applicants note that claim 2 is amended in this response to correct a typographical error. The word “of” had been omitted in the last set of revisions.

Applicant believes no further issues or objections remain in the case and ask for speedy allowance. A Petition and Fee for One Month Extension of Time is included. If any other fees are necessary, please charge Deposit Account 17-0055.

Respectfully submitted,

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By: 

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